

REMARKS

Claims 21 and 22 are canceled herein. No new matter is presented. Accordingly, upon entry of the Amendment, claims 1-20 will be all of the claims pending in the application.

I. Election/Restriction

Claims 21 and 22, which are drawn to a method of making an information recording medium, are subject to a restriction requirement as being directed to an invention that is independent and distinct from the originally claimed invention directed to an information recording medium. Since an action on the merits has already been received for the originally presented invention, the invention of an information recording medium has been constructively elected by original presentation and claims 21 and 22 are withdrawn from consideration as being drawn to a non-elected invention.

Claims 21 and 22 are canceled herein.

II. Response to Obviousness-Type Double Patenting Rejections

A. US 2005/0064114

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of US 2005/0064114 A1 essentially for the reasons of record. The Examiner states the conflicting claims are not patentably distinct because the invention of the present application is incorporated in US '114.

Applicants respectfully submit a Terminal Disclaimer herewith thereby obviating the obviousness-type double patenting rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

B. US 2004/0180153

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of US 2004/0180153 essentially for the reasons of record. The Examiner states that the conflicting claims are not patentably distinct from each other because the invention of the present application is incorporated in US '153.

Applicants respectfully submit a Terminal Disclaimer herewith thereby obviating the obviousness-type double patenting rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. 1.116
U.S. APPLN. NO. 10/780,635

ATTY DKT Q78602

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

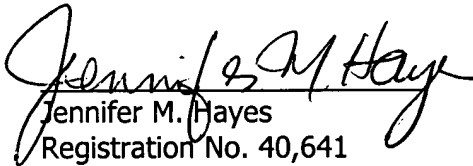
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